

AMENDED IN ASSEMBLY JUNE 12, 2002

AMENDED IN SENATE MAY 13, 2002

SENATE BILL

No. 1470

Introduced by Senator Johannessen

*(Coauthors: Assembly Members Ashburn, Chavez, Chu, Dickerson,
Havice, Leach, Papan, and Wyland)*

February 19, 2002

An act to amend Section 179 of the Military and Veterans Code, relating to veterans, *making an appropriation therefor*, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1470, as amended, Johannessen. ~~California National Guard military museum~~ *State Military Museum*.

Existing law authorizes ~~that~~ the Adjutant General, the commander of all state military forces, to establish a California National Guard military museum and resource center as a repository for military artifacts, memorabilia, equipment, documents, and other items relating to the history of the California National Guard.

This bill would instead require the Adjutant General to establish ~~that~~ *a California National Guard military museum and resource center State Military Museum and resource center*, appoint the Chief of Military History, and enter into an operating agreement with the California Military Museum Foundation to conduct the day-to-day operations of the museum, as specified. The bill would limit state funding for these purposes to \$100,000 annually, and would appropriate that amount for each fiscal year from the General Fund to the California State Military Museum.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 179 of the Military and Veterans Code
2 is amended to read:

3 179. (a) The Adjutant General shall establish a California
4 ~~National Guard military museum and resource center as a State~~
5 ~~Military Museum and resource center as a repository for military~~
6 artifacts, memorabilia, equipment, documents, and other items
7 relating to the history of the California National Guard. ~~An armory~~
8 ~~or other facility or facilities under the jurisdiction of the National~~
9 ~~Guard may be used for this purpose.~~

10 ~~(b) National Guard, in accordance with applicable regulations~~
11 ~~of the United States Army governing Army museum activities, and~~
12 ~~shall appoint the Chief of Military History to direct its operations.~~
13 ~~The museum shall consist of the facility described in the~~
14 ~~Proclamation of the Governor dated May 11, 1994, and any~~
15 ~~branches as may currently exist or may from time-to-time be~~
16 ~~created throughout the state. Each facility shall be deemed to be~~
17 ~~an armory within the meaning of Section 430.~~

18 (b) The Adjutant General shall enter into an operating
19 agreement with the California Military Museum Foundation,
20 formerly known as the California National Guard Historical
21 Society, an existing California nonprofit public benefit
22 corporation, that is tax exempt under Section 501(c)(3) of the
23 Internal Revenue Code. Under the operating agreement with the
24 Adjutant General, the foundation shall operate the museum in
25 coordination with the California Center for Military History of the
26 California State Military Reserve. The foundation shall develop,
27 administer, interpret, and manage museum historical programs
28 and related public services, and acquire and manage funding for
29 museum programs and services.

30 (c) Volunteers, docents, members of the State Military Reserve,
31 or others working with or for the California Military Museum
32 Foundation for purposes consistent with the mission of the
33 organization, shall be considered volunteers under Sections 3118

1 *and 3119 of the Government Code and Section 3363.5 of the Labor*
2 *Code.*

3 *(d) The board of trustees of the California Military Museum*
4 *Foundation shall include the Adjutant General, or the Assistant*
5 *Adjutant General, or any Deputy Adjutant General designated by*
6 *the Adjutant General, as an ex officio voting member of the board.*
7 *The board of trustees of the foundation shall be the governing*
8 *authority for operations funded through moneys received by the*
9 *foundation. The board of trustees of the foundation shall submit an*
10 *audit report annually to the Adjutant General. No funds raised or*
11 *assets acquired by the foundation shall be used for purposes*
12 *inconsistent with support of the museum.*

13 *(e) The Adjutant General or the California State Military*
14 *Museum may solicit, receive, and administer donations of funds or*
15 *property for the support and improvement of the museum. Any*
16 *grants or donations received may be expended or used for museum*
17 *purposes. Property of historical significance, that is owned by the*
18 *state and is determined by the Adjutant General to be excess to the*
19 *needs of the Military Department, shall be transferred to the*
20 *museum. Property determined by the Adjutant General or the*
21 *California State Military Museum to be excess to the needs of the*
22 *museum may be sold, donated, exchanged, or otherwise disposed*
23 *of, at his or her discretion, in a manner appropriate to the historical*
24 *and intrinsic value of the property and the benefits from the*
25 *disposition shall inure to the museum.*

26 ~~(e)~~

27 *(f) The Adjutant General or the California State Military*
28 *Museum may solicit and receive firearms and other weaponry*
29 *confiscated by or otherwise in the possession of law enforcement*
30 *officers as donations to the museum if he or she deems them to be*
31 *of historical or military interest.*

32 ~~(d)~~

33 *(g) The Adjutant General may shall, in cooperation with the*
34 *California State Military Museum, conduct a study of the future*
35 *needs of the National Guard to preserve, display, and interpret*
36 *artifacts, documents, photographs, films, literature, and other*
37 *items relating to the history of the military in California.*

38 ~~(e)~~

39 *(h) State funding for the purpose of this section is limited to one*
40 *hundred thousand dollars (\$100,000) annually.*

1 SEC. 2. *There is hereby appropriated the sum of one hundred*
2 *thousand dollars (\$100,000) for each fiscal year from the General*
3 *Fund to the California State Military Museum for the*
4 *establishment and operation of the museum and resource center*
5 *specified in Section 179 of the Military and Veterans Code.*

6 SEC. 3. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety
8 within the meaning of Article IV of the Constitution and shall go
9 into immediate effect. The facts constituting the necessity are:

10 In order that the California ~~National Guard military museum~~
11 *State Military Museum* may ~~be assured of continuous~~ commence
12 operation at the earliest possible time, it is necessary that this act
13 take effect immediately.

